

Action Item

Acceptance of Draft Amendment of Delta Plan Revisions for the Delta Levees Investment Strategy

Summary: Staff will discuss and seek Council approval of a recommended amendment to the Delta Plan that would implement the Delta Levee Investment Strategy (DLIS). This recommendation incorporates input received from the Council in February. If approved, the draft amendment would be the preferred alternative for purposes of analysis as the proposed project in the upcoming California Environmental Quality Act (CEQA) environmental impact report (EIR), which will be prepared for this and other Delta Plan amendments under consideration by the Council.

Requested Action

Council approval of the draft amendment (Attachment 1) to trigger the environmental review effort described above. The Council-approved amendment language would be used as the project description for purposes of analysis as the proposed project in the EIR, and would be analyzed along with a reasonable range of alternatives in the EIR that will be prepared for all of the proposed Delta Plan Amendments (i.e., Delta Levee Investment and Risk Reduction Strategy; Delta Conveyance, Storage, and Operation; and Performance Measures). No final approval action will be taken by the Council until environmental review is complete.

Background

The Delta Reform Act requires that the Delta Plan attempt to reduce risks to people, property, and State interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments (Water Code section 85305(a)) and recommend priorities for State investment in levee operation, maintenance, and improvements in the Delta, including both levees that are a part of the State Plan of Flood Control and nonproject levees (Water Code section 85306). In addition, the Delta Plan's recommended *Actions for the Prioritization of State Interests in the Delta* (RR R7) called for promptly updating the Delta Plan's priorities for State investment in Delta levees, which the Delta Plan considered interim.

To fulfill these requirements, the Council, its staff, and the Arcadis consulting team began developing the DLIS and its corresponding amendment to the Delta Plan in June 2014. Over the succeeding two and a half years, 40 meetings with technical experts including reclamation district engineers, four public workshops, and 27 Council discussions of the amendment have occurred.

Over the past three months, staff has made presentations to the Council, discussing the draft amendment and the input received. At the December 2016 Council meeting, the

Council accepted a discussion draft of the amendment for use in soliciting input at two public outreach workshops in January. Following the two outreach workshops, staff provided at the January Council meeting a summary of input received at the workshops along with input received from key agencies. At the February Council meeting, staff presented its recommendations for a Delta Plan amendment to the Council to implement the DLIS. The Council provided direction for the final draft amendment that will be discussed at today's meeting.

General Update

For today's briefing, staff will provide an update on recent stakeholder engagement and present its recommended final draft Delta Plan amendment to implement the DLIS. Staff is seeking Council approval on the draft amendment so it may be included in the project description for the CEQA document being prepared for the package of Delta Plan amendments that the Council is now developing.

Stakeholder Outreach

Following the February Council meeting, an additional outreach meeting was held with staff from the State Lands Commission (SLC). The SLC staff expressed an interest in recreational access along levees and encouraged its implementation when projects involving levees are funded. The proposed amendment was also discussed with the Central Valley Flood Control Association's Melinda Terry.

Also in March, Chair Fiorini was invited to address members of the California Water Commission and may share a summary of his discussion today.

Consultation with the Department of Water Resources and the Central Valley Flood Protection Board

Consultation about alternative approaches to implementing this Delta Plan amendment is continuing with the Department of Water Resources (DWR) and the Central Valley Flood Protection Board (Flood Board). This staff recommendation does not reflect those discussions. Approval of the staff recommendation for purposes of beginning the evaluation of the amendment's environmental impacts can proceed, the staff believes, while those discussions continue.

Summary of State Delta Levee Expenditures.

Significant State expenditures on Delta levees through May 2015 are summarized in Table 1. The location of these expenditures by island and tract is shown in Attachment 2. These expenses include funding from the DWR Delta Levees Maintenance Subventions Program, the Delta Levees Special Flood Control Projects Program, the State portion of the 2004 Jones Tract disaster response and recovery efforts, and funding for geo-technical studies conducted in the Reclamation District 17, West Stockton, and West Sacramento areas of the Delta. More recent urban levee commitments span districts both within and outside the Delta, and so are not accounted for, but include levee improvement projects in Sacramento and West Sacramento.

TABLE 1: Summary of recent State expenditures for Delta levees

Funding Program	Total Funding Amounts (\$1000)
Delta Levees Maintenance Subventions Program ¹	\$168,600
Delta Levees Special Flood Control Projects Program ²	\$122,270
2004 Jones Tract Disaster Response and Recovery	\$7,400
DWR Urban Levee Evaluation Program ³	\$16,000

1. For the period 1987-2013

2. For the period 1997-2014

3. After passage of Proposition 1E and 84

DLIS Amendment

Attachment 1 provides the staff recommended draft of potential revisions that could be incorporated as an amendment to the Delta Plan. Revisions to the current Delta Plan are indicated with underlines and ~~striketroughs~~. Changes from the February version of this draft are highlighted in **yellow**. These proposed revisions to the February draft were made based on input provided by the Council members at the February Council meeting and further staff analysis.

Some of the guidance provided by the Council members included:

- More clearly separating the discussion of levee maintenance from rehabilitation and improvement of levees when describing the prioritization of investments;
- Adding additional details in the amendment's narrative and problem statement;
- Adding additional information about the effect of updating the Delta Levee Maintenance Subvention's Program deductible provisions in the form of dollars per acre rather than just dollars per levee mile; and
- Adding post-disaster recovery as an issue for consideration when developing future investment prioritization lists.

At the February Council meeting, Member Thomson suggested including a recommendation that DWR should operate as a "store" for emergency response materials rather than as a "lender" of emergency response materials. Staff is not recommending that revision in the draft before you today because:

- Our recommendation is that local agencies build their own stockpiles (RR R1), which DWR has a grant program to support. The nationwide Standardized Emergency Management System (SEMS) structure, which the California Office of Emergency Services and State agencies use to guide the full variety of disaster responses, provides that the locals and County draw upon their own resources first, and only then turn to State resources, like DWR's flood fight stockpiles.

- DWR reports that it has neither the financial nor staffing capacity to be a vendor for emergency flood fight materials; nor does DWR have the ability to accept cash payment for the materials during emergencies.

Revisions of the draft that reflect additional staff analysis include:

- Performance measures have been revised to be consistent with those proposed in the pending Delta Plan performance measure amendment. Refined targets are proposed for reductions in expected annual fatalities and expected annual damages based on reductions anticipated by improving urban levees to the DWR urban levee criteria for which the Central Valley Flood Protection Act sets a 2025 deadline.
- References are added to note several technical studies summarizing best available scientific recommendations about flood risk reduction.

Next Steps

This proposed amendment will be analyzed in a single EIR with the other pending proposed Delta Plan amendments (i.e., Delta Conveyance, Storage, and Operation; and Performance Measures); therefore, staff included the proposed DLIS amendment in the recently issued Notice of Preparation for the proposed Delta Plan amendments in order to give the public a comprehensive opportunity to discuss the scope of all three proposed amendments on March 24, 2017. If the Council approves the draft amendment, it will be included in the project description for the CEQA document being prepared for the package of Delta Plan amendments that the Council is now developing.

As an accompaniment to the DLIS, over the coming months Council staff will draft a report to the Legislature about recommended legislative actions to improve flood management in the Delta. The report will focus on provisions of the DLIS amendment that require legislative action, rather than those that can be implemented administratively. While the report has yet to be fully developed, general topics to be addressed could include: ensuring that the Flood Board has adequate authority to require periodic inspections of Delta levees whose maintenance is subsidized through the Delta Levees Maintenance Subventions Program; sustainable funding for Delta levees; the cost share and ability-to-pay mechanisms of the Delta Levees Maintenance Subventions Program; or realignment and/or potential consolidation of agency oversight responsibilities for Delta levee programs.

Fiscal Information

Not applicable.

List of Attachments

Attachment 1: Discussion Draft of Potential Revisions to Chapter 7 Policies and
Recommendations

Attachment 2. State Expenditures on Delta Levees

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